

REMARKS

Claims 1-5, 7-14, 20, 21, 24-27, 29 and 30 are pending in this application. By this Amendment, claims 1-4, 8, 9, 11, 12, 20, 27 and 28 are amended and claims 6, 15-19, 22, 23, 28 and 31 are canceled. Support for amended claim 1 may be found in the original specification at, for example, paragraph [0012], paragraph [0058] to paragraph [0068] and FIGs. 3 and 8. Support for amended claim 8 may be found in the original specification at, for example, paragraph [0026], paragraph [0069] to paragraph [0080] and FIGs. 13 and 14. Support for amended claim 27 may be found in the original specification at, for example, paragraph [0094] to paragraph [0098] and FIGs. 11 and 12. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Muhammed and Examiner Young in the August 8, 2007 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Reconsideration of the application is respectfully requested.

Restriction Requirement

A telephone requirement for restriction was made in connection with the above-identified patent application on April 10, 2007. Applicants affirm that, in response to that telephone requirement, a provisional election was made on April 13 to prosecute Group I, claims 1-19 and 27-31. Accordingly, claims 20-26 are withdrawn from consideration. Applicants respectfully traverse the Restriction Requirement.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. *See* MPEP §803 ("if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to

independent or distinct inventions" (emphasis added)). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further respectfully submit that, because claims 1-19 and 27-31 are in condition for allowance for the reasons set forth below, claims 20-26 should be rejoined and considered on the merits at this time.

Thus, withdrawal of the Restriction Requirement and rejoinder of claims 20-26 are respectfully requested.

Rejection Under 35 U.S.C §112, Second Paragraph

Claims 4 and 12 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Patent Office alleged that it is unclear whether the feature "the pits, which are formed in the identical groove of the grooves" indicates that the first and second pits are located in the same groove or in two different grooves.

Claims 4 and 12 have been amended to make clear that the first and second pits are located in the same groove.

As such, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 1-19 and 27-31 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 7,054,260 ("Rilum") in view of JP 2002-237100 ("Suzuki"). Applicants respectfully traverse this rejection.

Claim 1

None of the applied references, alone or in combination, teach or suggest an optical information-recording medium including a substrate which is formed with a plurality of lands and grooves, and a recording layer and a reflective layer which are provided on the substrate,

the grooves including a first groove, a second groove which is formed with pits, and two third grooves each of which is formed with pits having widths narrower than those of the pits of the second groove, wherein one of the third grooves is arranged between the first groove and the second groove and the second groove is arranged between the two third grooves, as recited in claim 1.

The Patent Office relies on Rilum as allegedly teaching a first groove, a second groove which is formed with pits and a third groove which is formed with pits. However, the Patent Office concedes that Rilum fails to disclose a third groove which is formed with pits having widths narrower than those of the pits of the second groove. The Patent Office relies on Suzuki as allegedly disclosing this feature. Applicants respectfully disagree.

Suzuki merely discloses that grooves are widened, not pits. Further, Suzuki fails to disclose the specific arrangement of the first groove, the second groove, and the third grooves, as recited in claim 1. Nor does Suzuki teach the advantages of such an arrangement. That is, when tracking is performed to span the boundary between the area in which the in-groove pits are formed and the area in which only the groove is formed, then the radial push-pull signal is scarcely disturbed, and it is possible to perform stable tracking (see paragraph [0017]). As such, the applied references fail to teach each and every claim feature and/or the advantages of such features.

Claims 8 and 27

Further, as agreed in the interview, claims 8 and 27 also include a specific arrangement that is neither taught nor suggest by the applied references. Thus, for at least the reasons described above, neither Rilum nor Suzuki teach or suggest each and every claim feature of claims 8 and 27.

Conclusion

For at least the foregoing reasons, claims 1, 8 and 27, and dependent claims thereof, are patentable over the applied references. Thus, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, 7-14, 20, 21, 24-27, 29 and 30 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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